

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
WESTERN DIVISION**

DEALIO DESHONE PHILLIPS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.: 7:21-cv-869-KOB-GMB
	)	
JASON HAYES, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**MEMORANDUM OPINION**

The Magistrate Judge entered a report on February 10, 2023 recommending the dismissal of this action without prejudice under 28 U.S.C. § 1915A(b) for failing to state a claim upon which relief can be granted or, alternatively, pursuant to *Heck v. Humphrey*, 512 U.S. 477, 486–87 (1989). (Doc. 10). Although the Magistrate Judge advised the plaintiff of his right to file written objections within 14 days, the court has not received any objections.

After careful consideration of the record in this case and the Magistrate Judge’s report, the court **ADOPTS** the report and **ACCEPTS** the recommendation. Consistent with that recommendation and 28 U.S.C. § 1915A(b), this action is due to be dismissed without prejudice for failing to state a claim upon which relief can be granted or, alternatively, pursuant to *Heck*.

The court will enter a separate final judgment.

DONE and ORDERED this 28<sup>th</sup> day of March, 2023.

A handwritten signature in black ink, reading "Karon O. Bowdre". The signature is written in a cursive style with a large, sweeping "K" and a long, trailing "e".

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**KARON OWEN BOWDRE**  
UNITED STATES DISTRICT JUDGE